

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

|                                 |   |                                    |
|---------------------------------|---|------------------------------------|
| <b>UNITED STATES OF AMERICA</b> | ) |                                    |
|                                 | ) | Case No. 1:01CR00018               |
|                                 | ) | Case No. 1:03CR00075               |
| v.                              | ) |                                    |
|                                 | ) | <b>FINAL ORDER</b>                 |
| <b>KIM A. PRATER,</b>           | ) |                                    |
|                                 | ) | By: James P. Jones                 |
| Defendant.                      | ) | Chief United States District Judge |
|                                 | ) |                                    |

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** that the Motion to Dismiss is GRANTED, the Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 is DENIED, and the motion is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: May 7, 2010

/s/ JAMES P. JONES  
Chief United States District Judge